GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:519
ANSWERED ON:21.10.2008
CUSTODIAL DEATHS
Kurup Adv. Suresh;Subbarayan Shri K.

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether cases of torture, custodial deaths and Human Rights violation in prison and police custody are on the rise in the country;

(b) if so, the total number of cases received and inquired into by the National Human Rights Commission and State Human Rights Commissions during each of the last three years and the current year, State-wise separately;

(c) the total number of such cases investigated disposed off, number of persons arrested, cases pending and persons convicted during the said period, State-wise alongwith the action taken to clear all the pending cases;

(d) whether the Government proposes to bring a legislation for police reforms and to set up a comprehensive monitoring mechanism to check the instances of Human Rights violations in police and judicial custody and to sensitise police personnel on Human Rights issues; and

(e) if so, the details therof?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS(DR. SHAKEEL AHMAD)

(a) & (b): The National Human Rights Commission (NHRCF), has issued guidelines to all State Governments/Union Territories to inform the Commission about incidents of custodial deaths within twenty four hours of occurrence. As per information made available by the NHRC, the total number of alleged custodial death cases registered during the last three years and the current year is at Annexure-I.

The statement showing the total number of complaints of custodial torture and other complaints relating to prison and police custody for the last three years are at Annexure-II and III.

(c): As per data maintained by the National Crime Records Bureau, the number of cases reported, police personnel charge-sheeted and police personnel convicted under the custodial deaths and human rights violations State-wise during the last three years is at Annexure- IV and V.

(d) & (e): The Government has taken a number of steps to check the instances of human rights violations in police and judicial custody and to sensitise police personnel on human rights issues.The Ministry has circulated the important guidelines as directed by Hon'ble Supreme Court in the case of D.K. Basu Vs. State of West Bengal which are to be followed by all authorities concerned while making the arrests. Amendment have also been proposed in the Cr. P.C. through the Code of Criminal Procedure (Amendment) Bill, 2006 which are, inter-alia, aimed at incorporate the above guidelines, and certain other provisions regarding arrests, in the Code. It has also been proposed to insert a new section 357 (A) in Cr. P.C. to provide for compensation to the victims of all types of crimes including custodial crimes.Section 176 of the Criminal Procedure Code has been amended vide the Code of Criminal Procedure (Amendment) Act, 2005 to provide that in case of death or disappearance of a person or rape of a woman while in the custody of police, there shall be a mandatory judicial inquiry and in case of death, examination of the dead body shall be conducted within twenty four hours of death.Components relating to human rights have been incorporated in the training curriculum for police and Central Para Military Forces and police at all levels are being sensitized to issues related to human rights, including custodial violence/deaths, at the training state itself. Seminars and Works are also regularly conducted by both the Bureau of Police Research and Development as well as the State Police authorities on human rights issues.